

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-31
Sacramento, CA 95814



November 8, 1985

ALL COUNTY LETTER NO. 85-113

TO: All County Welfare Directors
All Public and Private Adoption Agencies
All SDSS Adoptions District Offices

SUBJECT: Revised Indian Child Welfare Act Procedures

The purpose of this letter is to inform County Welfare Departments and adoption agencies of changes in the procedures necessary to request Indian Child Welfare Act (ICWA) determinations. The changes were initiated by the Bureau of Indian Affairs (BIA) Sacramento Area Office and will necessitate revisions to current ICWA procedures.

Listed below are the procedures that must be followed to implement the changes specified above. Instructions for County Welfare Departments are enumerated in Section A; Instructions for adoption agencies are contained in Section B.

Section A: County Welfare Departments' Procedures

I. The County Welfare Department sends to the BIA Sacramento Area Office:

A. Completed Soc 318 form (Request for Confirmation of Child's Status as Indian);

NOTE: The caseworker's name, telephone number (including area code) and complete agency address must be noted in the spaces provided on the Soc 318.

B. A photocopy or copy of the child's state-certified birth certificate; and

C. A signed and notarized paternity statement of the alleged natural father, if the father is the identified Indian parent.

II. The BIA Sacramento Area Office:

- A. Forwards the ICWA referral submitted by the County Welfare Department to the appropriate tribe, BIA agency office, or out-of-state BIA area office;
- B. Instructs the receiving tribe, BIA agency office or out-of-state BIA area office to respond directly to the County Welfare Department;
- C. Transmits a copy of the referral letter to the requesting County Welfare Department;
- D. Does not retain a copy of the ICWA requests but retains only a copy of its referral letter forwarded to the tribe, BIA agency office, or out-of-state BIA area office; and
- E. Does not provide any further monitoring or liaison activity regarding the ICWA case.

III. Upon receipt of the information forwarded from the BIA Sacramento Area Office, the tribe, BIA agency office, or out-of-state BIA area office:

- A. Reviews the referred information to determine whether the subject child comes within the provisions of the ICWA;
- B. Requests additional information from the referring County Welfare Departments if more information is required to make the ICWA determinations; and
- C. Provides written documentation to the County Welfare Department on the applicability of the ICWA to the designated child.

IV. County Welfare Departments shall maintain the written documentation in the child's case record.

Section B: Adoption Agencies' Procedures

Adoption agencies that provide relinquishment and independent adoptions services shall comply with the following procedures. The new procedural changes are underlined:

I. Adoption agency sends to the State Department of Social Services (SDSS) Adoptions Branch for every child with Indian heritage:

- A. A completed form AD 4311, Information on American Indian Child (Adoption Program);

NOTE: The caseworker's name, telephone number (including area code), and complete agency address must be indicated in the spaces provided on the form.

- B. A photocopy or copy of the child's birth certificate; and
- C. A signed and notarized paternity statement of the alleged natural father, if the father is the identified Indian parent.

II. Adoptions Branch:

- A. Reviews the AD 4311 for completeness;
- B. Establishes a tracking system on the child for subsequent ICWA verification activities; and
- C. Transmits the AD 4311 and other documents to the BIA Sacramento Area Office.

III. BIA Sacramento Area Office:

- A. Forwards the ICWA referral submitted by the Adoptions Branch to the appropriate tribe, BIA agency office, or out-of-state BIA area office;
- B. Transmits a copy of the referral letter to the requesting adoption agency;
- C. Instructs the receiving tribe, BIA agency office, or out-of-state BIA area office to respond directly to the adoption agency;
- D. Does not retain a copy of the ICWA referral but retains only a copy of its referral letter forwarded to the tribe, BIA agency office, or out-of-state BIA area office; and
- E. Does not provide any further monitoring or liaison activity on the case.

IV. Upon receipt of the forwarded information, the tribe, BIA agency office, or out-of-state BIA area office coordinates directly with the adoption agency to:

- A. Determine whether the subject child comes within the provisions of the ICWA;
- B. Acquire additional information if more information is required to make the ICWA determination;
- C. Issue a Certificate of Degree of Indian Blood (CDIB).

NOTE: The adoption agency is required by Civil Code Section 224a to obtain a CDIB on every child for whom the tribe or BIA has been able to verify his/her Indian heritage. The CDIB is required whether or not the child is subject to the provisions of the ICWA.

V. Adoption agencies shall:

- A. Communicate directly with the receiving tribe/agency, as necessary. Adoption agencies shall not request the intervention/assistance from the BIA Sacramento Area Office after the latter has forwarded the ICWA request to the appropriate tribe/agency.
- B. Contact the Adoptions Branch if the agency has not been contacted by the receiving tribe, BIA agency office, or out-of-state BIA area office within 30 days after the date of the BIA Sacramento Area Office's transmittal letter or to resolve any other major ICWA-related problems.
- C. For relinquishment adoptions only, after receipt of the ICWA determination, the adoption agency shall send to the Adoptions Branch the AD 90 ("Supporting Information for Issuance of the Department of Social Services Waiver and Acknowledgment" form) and all copies of correspondence sent to or received from the tribe or BIA agency office.

NOTE: The Adoptions Branch cannot issue its "Acknowledgment and Waiver" until the tribe or BIA has determined whether the child is subject to the provisions of the ICWA.

The BIA will use the same procedures described in this letter for stepparent adoptions. Agencies involved in stepparent adoptions should continue to send inquiries regarding children with Indian heritage directly to the BIA, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA 95825. (Please refer to ACL No. 81-41 dated April 16, 1981.)

County Welfare Departments and public adoption agencies should refer all questions regarding these revised ICWA procedures to the Adult and Family Services Operations Bureau at (916) 445-0623. Private adoption agencies should contact their Adoption Program Consultant at (916) 322-5973.



LOREN D. SUTER
Deputy Director
Adult and Family Services Division

cc: CWDA